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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,698	12/21/2001	Ilkka Rahnasto	367.39588X00	6934

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EXAMINER
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BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/023,698

Applicant(s)

RAHNASTO, ILKKA

Examiner

Bradley Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☒ Claim(s) 20-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/17/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-32 are presented for examination on the merits. Applicant's preliminary amendment dated 20 April 2003 has been entered.

#### ***Claim Objections***

Claims 20-24 are objected to because of the following:

- Applicant claims a "computer program" yet ends each claim by a dependence upon a method claim. It is confusing as to what the applicant is claiming with respect to each claim. Furthermore, the applicant should try to begin each claim indicating dependence on a prior claim, if applicable, for claim clarity and consistency.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginter et al., (hereinafter Ginter), U.S. 5,892,900.**

As per the following claims, Ginter discloses:

1. A network device for connection in a communication path of a network includes a controller operable to detect a predetermined tag within content passing along the path and to report said

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detection together with information identifying a sender and/or recipient of said content (column 21, line 40-column 28, line 63 and corresponding figures).

2. A method of monitoring content transmitted over a network comprises detecting a predetermined tag within content passing through the network and reporting said detection together with information identifying a sender and/or recipient of said content (column 21, line 40-column 28, line 63 and corresponding figures).

3. A computer program product for carrying out the method according to claim 2 comprising: a computer readable medium; program code in said computer readable medium for detecting a predetermined tag within a content passing through a network; program code in said computer readable medium for reporting said detection together with information identifying at least one of the following: a sender of said content, a recipient of said content ((column 21, line 40-column 28, line 63 and corresponding figures; column 37, line 14-column 38, line 35).

4. A system for monitoring the transmission of content between networked terminals comprises, a network device located in a communication path of a network and a monitoring center connected to said device wherein a controller included in said device is operable to detect a predetermined tag within content in said path and to report said detection together with information identifying a sender and/or recipient of said content to said center (columns 37-38).

5. A system as claimed in claim 4, wherein the monitoring center is operable to receive reports

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from a plurality of networks each having at least one controller (column 40).

6. A system as claimed in claim 4, further including a billing entity connected to said center (figure 3 and associated text).

7. A revenue collection system for collecting revenue due on content passing through a network, comprises a network device located in a communication path of said network and a monitoring center connected to said network device wherein said network device is operable to detect a predetermined tag within content in said path and to report said detection together with information identifying a sender and/or recipient of said content to said center, the center being operable to issue a request to a billing entity to carry out a transaction in relation to said sender and/or recipient (figures 3, 4, 45-49 and associated text).

8. A system as claimed in claim 7 wherein the transaction comprises debiting an account of said sender and/or recipient (column 316, line 53-column 317, line 13)

9. A system as claimed in claim 7, wherein said information includes a network identity such that said center issues said request to a billing entity responsible for said identified network (columns 315-318).

10. A revenue collection method for collecting revenue due on predetermined content transmitted over a network comprises detecting said predetermined content, obtaining an address

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of a sender and/or recipient of said content and requesting a billing entity to carry out a transaction in relation to said sender and/or recipient (columns 293-298).

11. A method as claimed in claim 10, wherein said transaction comprises debiting an account of said sender and/or recipient (column 316, line 53-column 317, line 13)

12. A method as claimed in claim 10, including the preliminary step of determining which content revenue is to be collected by associating a tag with said content prior to making it available for transmission (columns 295-296).

13. A method as claimed in claim 12, wherein said predetermined content is captured on a data carrier (figures 69 and associated text).

14. A method of transmitting a message incorporating content including an embedded tag from a terminal connected to a network comprises, obtaining content, placing said content into a payload portion of said message, and transmitting said message over a network including a device as claimed in claim 1 (columns 95-96).

15. A method as claimed in claim 14, wherein the content is obtained by downloading from a server (figure 2 and associated text).

16. A method as claimed in claim 14, wherein the content is obtained from a data carrier by

uploading from a suitable player (figures 7, 8 and associated text).

17. A method as claimed in any one of claim 14, wherein said message comprises one or more packets (columns 105-107).

18. A method as claimed in claim 17, wherein said tag is embedded to at least one of the packets (columns 105-107)

19. A method of creating content for controlled distribution over a network comprises, generating content, determining a right holder and updating a corresponding right holder record with details of said content and associating a tag with said content wherein said tag is detectable by a device as claimed in claim 1 (columns 107-109).

Claims 20-32 are substantially similar to the above claims and are rejected as above.

*Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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